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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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UNITED STATES OF AMERICA,  
Plaintiff,

v.

ASHLEY D. GILLMAN,  
Defendant.

MEMORANDUM DECISION AND  
ORDER DENYING DEFENDANT'S  
MOTION TO AMEND RESTITUTION

Case No. 2:11-CR-62 TS

District Judge Ted Stewart

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This matter is before the Court on Defendant's Motion to Amend Restitution. The Court construes Defendant's Motion as a request to adjust restitution payments pursuant to 18 U.S.C. § 3664(k) and will deny the Motion.

I. BACKGROUND

Defendant was sentenced on April 4, 2011. As part of her sentence, Defendant was ordered to pay restitution in the amount of \$30,959.00. Restitution was to be paid at the rate of \$25.00 per month while incarcerated and \$100.00 per month thereafter. Defendant now seeks to reduce the amount of her restitution, arguing that it is a financial hardship on her.

II. DISCUSSION

The Court construes Defendant's Motion as one seeking to adjust restitution payments under 18 U.S.C. § 3664(k). The provision states that Defendant may "notify the court and the Attorney General of any material change in the defendant's economic circumstance that might

affect the defendant's ability to pay restitution.”<sup>1</sup> Upon receiving such information, the Court may “adjust the payment schedule . . . as the interests of justice require.”<sup>2</sup>

The Court finds that Defendant has failed to show that she has experienced the requisite change in circumstances affecting her ability to pay restitution. Defendant states that she does not make a lot of money and that it is extremely difficult to pay both her restitution and her daily living expenses. While the Court is sympathetic to Defendant's situation, the Court declines to adjust her restitution payments absent additional information.

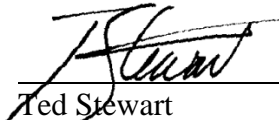
### III. CONCLUSION

It is therefore

ORDERED that Defendant's Motion to Amend Restitution (Docket No. 21) is DENIED WITHOUT PREJUDICE.

DATED this 18th day of December, 2017.

BY THE COURT:

  
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Ted Stewart  
United States District Judge

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<sup>1</sup> 18 U.S.C. § 3664(k).

<sup>2</sup> *Id.*